

Notice of Allowability	Application No.	Applicant(s)	
	10/771,053	NAVA, HILDEBERTO <i>AL</i>	
	Examiner	Art Unit	
	Robert Sellers	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 28-30 and 32-36.
3. ☐ The drawings filed on ____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1204</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/3/2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael F. Sajovec on December 20, 2004.

The application has been amended as follows:

Specification:

Page 1, based on the preliminary amendment filed February 3, 2004, line 2, after "July 17, 1996," insert --abandoned,--.

Page 7, lines 7 and 13, amend "polycarboxylic" to --monocarboxylic--.

Page 8, line 5, after "vicinal" insert --epoxy--.

Claim 28:

Line 1, replace "An" with --A laminating resin composition comprising an--.

Line 3, replace "carboxylic" with --monocarboxylic-- and after "epoxy resin" insert --having more than one vicinal epoxy group per molecule--.

Lines 5-6, delete ", wherein said laminating resin is devoid of alkoxyated bisphenol-A dimethacrylate".

Claims 29, 30 and 32-36, replace "A laminating resin comprising the" with --The--.

Claim 32, line 3, amend "trimethylol" to --trimethylol--.

Claim 35, line 2, replace "further comprising" with --wherein the vinyl monomer comprises--.

Claim 36, line 3, amend "gropup" with --group-- and line 5, amend "trimethlol" with --trimethylol--.

Cancel claims 31 and 37.

The following is an examiner's statement of reasons for allowance:

2. This application is a continuation of parent application no. 08/683,682 wherein claims directed to equivalent subject matter were deemed to be allowable based on the Board of Patent Appeals and Interferences reversal rendered August 22, 2000. The parent application was abandoned due to failure to timely pay the issue fee.

3. The closest prior art of Kawabata et al. Patent No. 4,916,023 does not recite the claimed vinyl ester resin. The motivation to combine the vinyl ester resin of Smeal et al. Patent No. 5,393,830 and Lee Patent No. 4,465,806 with the unsaturated polyester of Kawabata et al. as advanced by the examiner in the parent application was found to be unconvincing since Kawabata et al. discloses dark colors imparted by molded vinyl ester resins (col. 2, lines 50-57 as quoted on page 2, the second paragraph of the decision). Accordingly, the claimed blend of unsaturated polyester and vinyl ester resin has been deemed to be patentable over the closest prior art unsaturated polyester resin composition of Kawabata et al. for the reasons espoused on page 4, the full paragraph of the Board of Appeals reversal.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

(571) 272-1093 (Fax no. (703) 872-9306)
Monday to Friday from 9:30 to 6:00 EST

Any administrative inquiries can be obtained by accessing the Patent Application Information Retrieval (PAIR) system. Published applications are available through either private or public PAIR. Unpublished applications are available via private PAIR only. Consult <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Robert Sellers
Primary Examiner
Art Unit 1712